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4 **IN THE UNITED STATES DISTRICT COURT**  
5 **FOR THE DISTRICT OF ARIZONA**

6 IN RE BARD IVC FILTERS  
7 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

8 **AMENDED THIRD AMENDED MASTER**  
9 **SHORT FORM COMPLAINT FOR**  
10 **DAMAGES FOR INDIVIDUAL CLAIMS**  
11 **AND DEMAND FOR JURY TRIAL**

12 Plaintiff(s) named below, for their Complaint against Defendants named below,  
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

14 Plaintiff(s) further show the Court as follows:

15 1. Plaintiff/Deceased Party:

16 Steven Bushman

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
18 consortium claim:

19 Donna Bushman

20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
21 conservator):

22 N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida Maryland

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

U.S. District Court for the Southern District of Florida

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

X Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

X Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

X G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express Vena Cava Filter

☐ G2<sup>®</sup> X Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

July 9, 2006

\_\_\_\_\_

\_\_\_\_\_

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

- 1           X     Count VII:   Negligence – Failure to Warn
- 2           X     Count VIII:  Negligent Misrepresentation
- 3           X     Count IX:   Negligence *Per Se*
- 4           X     Count X:     Breach of Express Warranty
- 5           X     Count XI:    Breach of Implied Warranty
- 6           X     Count XII:  Fraudulent Misrepresentation
- 7           X     Count XIII: Fraudulent Concealment
- 8           X     Count XIV:  Violations of Applicable Maryland and Florida Law
- 9                   Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- 10          X     Count XV:   Loss of Consortium
- 11          ☐    Count XVI:  Wrongful Death
- 12          ☐    Count XVII: Survival
- 13          X     Punitive Damages
- 14          ☐    Other(s):     \_\_\_\_\_ (please state the facts supporting
- 15                   this Count in the space immediately below)

16                   \_\_\_\_\_

17                   \_\_\_\_\_

18       13.   Jury Trial demanded for all issues so triable?

- 19           X     Yes
- 20           ☐   No

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3 RESPECTFULLY SUBMITTED this 20th day of February, 2017.

4 BABBITT & JOHNSON, P.A.

5 By: /s/ Joseph R. Johnson  
6 Joseph R. Johnson (Fla. Bar No. 372250)  
7 Suite 100  
1641 Worthington Road  
West Palm Beach, FL 33409

8 HEAVISIDE REED ZAIC

9 By: /s/ Julia Reed Zaic  
10 Julia Reed Zaic  
11 Suite 203  
312 Broadway Street  
Laguna Beach, CA 92651

12 *Attorneys for Plaintiffs*

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14  
15 I hereby certify that on this 20th day of February, 2017, I electronically transmitted the  
16 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal  
17 of a Notice of Electronic Filing.

18 /s/ Joseph R. Johnson

19 5220248  
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